

## § 316.6

PWEDA if they meet the following requirements:

(i) Those specifically authorized by Congress; or

(ii) If not funded, jobs will be lost or reduced or new jobs will not be created, provided the following findings are made:

(A) EDA determines that project financing is not available from private lenders or other Federal agencies on terms which, in the opinion of EDA, would permit completion and operation of the project; and

(B) The Federal or state agency regulating such facility makes one of the following determinations:

(1) There would not be any competition with existing public utilities under their jurisdiction in public rate charges; and

(2) There would be such competition as described in paragraph (a)(2)(ii)(B)(1) of this section, but existing public utilities are unable or unwilling to meet the increase in demand for such energy.

(b) Electrical facilities may also be funded if such funds would be used for:

(1) An internal electrical system (system) on the consumer side of the distribution metering station, including for example, conductors, conduits, structures, switchgear, transformers and other appurtenances; provided such system meets the following requirements:

(i) It is owned by the owner of all or a portion of the facility served by such system; and

(ii) Electricity carried on such system will not be resold.

(2) Standby electrical generating equipment, provided that such equipment is:

(i) Incapable of and not intended to provide service on a regular and continuous basis; and

(ii) Needed to prevent significant damage or harm resulting from a power failure.

(3) Facilities for replacement or expansion of existing public utilities when the area served will remain unchanged;

(4) Otherwise eligible components of projects which generate electricity but which also have other purposes, such as heating; or

## 13 CFR Ch. III (1–1–99 Edition)

(5) Electrical generation facilities which use waste as an alternative to conventional fuels.

(c) Gas facilities, including those needed for local storage, regulation and consumer metering, may also be funded if for the distribution of gas from the plant and metering station to consumers within a particular area.

### § 316.6 Procedures in disaster areas.

When non-statutory EDA administrative or procedural conditions for financial assistance awards cannot be met by applicants under PWEDA as the result of a disaster, EDA may waive such conditions.

### § 316.7 Project servicing for loans and loan guarantees.

EDA will provide project servicing to borrowers and lenders who received EDA loans and/or guaranteed loans under any programs administered by EDA. This includes but is not limited to loans under PWEDA, the Trade Act and the Community Emergency Drought Relief Act of 1977.

(a) EDA will continue to monitor such loans and guarantees in accordance with the loan or guarantee program.

(b) Borrowers/lenders shall submit to EDA any requests for modifications of their agreements with EDA. EDA shall, in accordance with applicable laws and policies, including the Federal Credit Reform Act of 1990 (2 U.S.C. 661 c(e)), consider and respond to such modification requests.

(c) In the event that EDA determines it necessary or desirable to take actions to protect or further the interests of EDA in connection with loans or guarantees made or evidences of indebtedness purchased, EDA may:

(1) Assign or sell at public or private sale, or otherwise dispose of for cash or credit, in its discretion and upon such terms and conditions as it shall determine to be reasonable, any evidence of debt, contract, claim, personal or real property, or security assigned to or held by it in connection with financial assistance extended;

(2) Collect or compromise all obligations assigned to or held by it in connection with EDA financial assistance

projects until such time as such obligations may be referred to the Attorney General for suit or collection; and

(3) Take any and all other actions determined by it to be necessary or desirable in purchasing, servicing, compromising, modifying, liquidating, or otherwise administratively dealing with or realizing on loans or guaranties made or evidences of indebtedness purchased.

#### **§ 316.8 Public information.**

The rules and procedures regarding public access to the records of the Economic Development Administration are found at 15 CFR part 4.

#### **§ 316.9 Relocation assistance and land acquisition policies.**

Recipients of EDA financial assistance under PWEDA and the Trade Act (states and political subdivisions of states and non-profits as applicable) are subject to requirements set forth at 15 CFR part 11.

#### **§ 316.10 Additional requirements; Federal policies and procedures.**

Grantees as defined under § 314.2 of this chapter are subject to all Federal laws and to Federal, Department of Commerce and EDA policies, regulations, and procedures applicable to Federal financial assistance awards.

#### **§ 316.11 Amendments and changes.**

(a) Requests by grantees for amendments to a grant shall be submitted in writing to the EDA Regional Office for processing, and shall contain such information and documentation necessary to justify the request.

(b) All change orders are subject to EDA approval. Any changes made without prior approval by EDA are made at grantee's own risk of suspension or termination of the project.

(c) Changes of project scope will not be approved by EDA.

[60 FR 49678, Sept. 26, 1995. Redesignated at 61 FR 7983, Mar. 1, 1996]

#### **§ 316.12 Contract and subcontract clauses.**

Grantees must see that grantees' and subgrantees' contracts contain all required clauses in accordance with 15 CFR part 24, Uniform Administrative

Requirements for Grants and Cooperative Agreements to State and Local Governments, or OMB Circular A-110, Uniform Administrative Requirements for Grants and Agreements with Non-profit Organizations, whichever is applicable.

[60 FR 49678, Sept. 26, 1995. Redesignated at 61 FR 7983, Mar. 1, 1996]

#### **§ 316.13 Preapproval construction.**

Project construction carried out before approval of an application by EDA is carried out at the sole risk of applicant. Such activity could result in rejection of such project application, the disallowance of costs, or other adverse consequences as a result of non-compliance with Federal labor standards, or Federal environmental, historic preservation or related requirements.

[61 FR 7985, Mar. 1, 1996]

### **PART 317—CIVIL RIGHTS**

AUTHORITY: Sec. 701, Pub. L. 89-136; 79 Stat. 570 (42 U.S.C. 3211); Department of Commerce Organization Order 10-4, as amended (40 FR 56702, as amended).

SOURCE: 60 FR 49702, Sept. 26, 1995, unless otherwise noted.

#### **§ 317.1 Civil rights.**

(a) Discrimination is prohibited in programs receiving federal financial assistance from EDA in accordance with the following authorities:

(1) Section 601 of Title VI of the Civil Rights Act of 1964, codified at 42 U.S.C. 2000d et seq. (proscribing discrimination on the basis of race, color, or national origin), and the Department of Commerce's implementing regulations found at 15 CFR part 8;

(2) 42 U.S.C. 3123 (proscribing discrimination on the basis of sex);

(3) 29 U.S.C. 794, as amended, and the Department of Commerce's implementing regulations found at 15 CFR part 8b (proscribing discrimination on the basis of disabilities);

(4) 42 U.S.C. 6101, as amended, and the Department of Commerce's implementing regulations found at 15 CFR part 20; and

(5) Other Federal statutes, regulations and Executive Orders as applicable.